

19174. Misbranding of Mag-Net-O balm. U. S. v. 46½ Dozen Tubes of Mag-Net-O Balm. Default decree of condemnation and destruction. (F. & D. No. 26803. I. S. No. 31189. S. No. 4944.)

Examination of a drug product, known as Mag-Net-O balm, from the shipment herein described having shown that the labeling bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Columbia.

On July 27, 1931, the United States attorney filed in the Supreme Court of the District of Columbia, holding a District Court, a libel praying seizure and condemnation of 46½ dozen tubes of Mag-Net-O balm, remaining in the original unbroken packages at Washington, D. C., alleging that the article had been shipped by Magneto Balm (Inc.), from Baltimore, Md., on or about March 7, 1931, and had been transported from the State of Maryland into the District of Columbia, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of petrolatum containing approximately 5.9 per cent of volatile oils, including mustard oil, turpentine oil, and methyl salicylate, tar and capsicum oleoresin.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effect claimed: (Display carton) "Rheumatism, * * * Arthritis, * * * Neuralgia, Neuritis, Lumbago, * * * Rheumatic Pains, Neuritis, Neuralgia, Lumbago, Arthritis, * * * Headache;" (carton) "Rheumatic Pains, Neuritis, Neuralgia, Lumbago, Arthritis, * * * Headaches;" (tube label) "Rheumatic Pains, Neuritis, Neuralgia, Lumbago, Arthritis, * * * Headaches, * * * Chronic Cases;" (circular) "'Draws out pain . . . like a magnet!' * * * This famous old European Remedy has been relieving pain for many years, and has prevented many hours of pain and suffering. * * * In all cases of muscular pains, congestion in the chest, * * * any of many similar ailments. Magneto Balm offers an easy, pleasant road to prompt relief. Even stubborn, long-standing cases yield to the soothing, healing qualities of Magneto Balm, if persistently used. To Insure Results To get prompt results, apply either a hot-water bag, electric pad, or moist, steaming cloth over the spot to be treated, for five minutes, then massage with Magneto Balm. By thus opening the pores, you help the Balm to penetrate instantly to the pain or ache. Directions For Use in the Treatment of Rheumatism, Lumbago, Neuritis, Sciatica, Arthritis * * * rub Magneto Balm well into aching parts. Neuralgia, Gout, Magneto Balm has relieved thousands from these painful ailments. Rub well over area where pain is most acute. * * * Headache * * * Sore Throat— * * * Stiff Neck— * * * Earache— * * * Flu usually begins with a cold. Prompt treatment of colds with Magneto Balm may therefore ward off 'Gripp,' 'Flu,' etc. * * * Magneto Balm is Penetrating. It not only helps relieve pain, but at the same time helps to draw out any inflammation or swelling, should any exist. How to Recognize Your Ailment. Neuritis is rheumatism affecting the nerves of the fingers, wrists, ankles, shoulders, toes, or anywhere in the body. Neuralgia may usually be recognized by: 1. Intense pains. 2. The pain is not steady, but seems to 'come and go.' 3. Neuralgic pains sometimes jump about from one part of the body to the other. Sciatica is the name for pains along the sciatic nerve or the inner part of the legs from the thighs to the ankles. Lumbago usually begins with excruciatingly severe pains in the back, followed by almost constant backaches just below the point where a belt would pass around the back of the body. When Blood Flows Freely Pains Stops Quickly. When the blood is flowing freely through your veins, you are enjoying vital, vigorous health. But when some disorder occurs, there is often a damming or congestion of the blood, and trouble follows. Aching back * * * almost any pain causes blood congestion; your blood is no longer flowing freely; poisons gather; the congested part pains, throbs and aches. To stop this pain you must start the blood flowing freely as soon as possible. How? By applying Magneto Balm. The application of this famous remedy brings almost instant relief. It helps nature by stimulating circulation; by rushing red, living blood to the suffering spot—thus relieving congestion and preventing further suffering."

On February 5, 1932, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19175. Misbranding of Fayro. U. S. v. 22 Gross Packages of Fayro. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27055. I. S. No. 38376. S. No. 5266.)

The labeling of the drug product Fayro contained statements representing that the article, when used in the bath, would duplicate a hot springs bath in the home, and that it possessed curative and therapeutic properties. Examination showed that it would not duplicate such baths and that it did not possess the curative and therapeutic properties claimed.

On October 10, 1931, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 22 gross packages of Fayro, remaining in the original unbroken packages at Newburgh, N. Y., alleging that the article had been shipped by the Atlantic City Sales Co. (Inc.), from Atlantic City, N. J., on or about October 16, 1930, and had been transported from the State of New Jersey into the State of New York, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of Epsom salt (86.5 per cent), table salt (13.2 per cent), and a trace of pine oil.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling were false and misleading: (Booklet) "Fayro—the Hot Springs Home Bath Treatment * * * We studied the analysis of the various hot springs when preparing the formula for Fayro * * * When we first started to work to prepare the formula for Fayro we obtained analyses of the waters and the active ingredients of twenty-two of the most famous hot springs throughout the world. * * * We adopted a formula that exactly duplicates a hot springs bath. * * * It readily enters through the skin and mixes with the water in and around the sweat glands. * * * When you put Fayro into your bath water you have recreated a hot springs bath in your own bath tub. * * * Most of the fat of the body lies just under the surface of the skin. * * * Fayro enters and dissolves the fatty tissues. * * * produced in small quantities, Fayro would cost several times its retail price. The body has absorbed * * * Fayro * * * during the treatment." It was further alleged in the libel that the product was misbranded in that the following statements appearing in the booklet were false and misleading, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed, and in that the said statements were applied to the article knowingly or in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently that the article was, in whole or in part, composed of or contained ingredients or medicinal agents effective in the treatment of the diseases and conditions named therein: (Carton) "Is guaranteed to reduce weight two to four pounds in each bath;" (booklet) "One Fayro Bath each few days will prove very beneficial in rheumatic and gout cases. One Fayro Bath weekly is helpful as a general tonic to anyone. It enables you to keep your weight under control and helps you to stay fit and refreshed for the duties of social and business life. * * * Put the unopened bag of Fayro into the water. It will dissolve and while dissolving may be rubbed gently on chin, abdomen, legs or any part of the body you particularly wish to reduce. You will note nothing unusual for the first five to fifteen minutes. During this time Fayro is opening your pores and entering your skin to dissolve subsurface fat * * * You will note that this perspiration is not merely water. It is oily and greasy. * * * add some more hot water to the tub. Fayro works much more thoroughly and faster in hot water, so keep the temperature high. Stay in the bath from 20 to 30 minutes. * * * You have sweated away 2 to 4 pounds of fat and poisons and tomorrow you will feel fine. * * * Rheumatism, Gout, Neuritis, Neuralgia because of the therapeutic effects of the hot water and the wonderful eliminative effects of Fayro it is highly recommended in all cases of rheumatism, gout, neuritis, and neuralgia. Follow the directions, being sure to drink at least three glasses of water while in the bath. * * * Fayro Reduces Weight Where Desired. After immersing your